

**Introduced by Senator Hollingsworth**

February 22, 2005

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An act to add Section 1519.6 to the Health and Safety Code, and to amend Section 3003 of the Penal Code, relating to sex offenders.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1051, as introduced, Hollingsworth. Sex offenders: residence.

Existing law provides for the licensure of community care facilities to provide a coordinated and comprehensive statewide service system of community care for mentally ill, developmentally and physically disabled children and adults. Existing law also provides that minors adjudged wards of the juvenile court may be placed in these facilities.

This bill would prohibit a licensed community care facility that receives state funds and is located within one mile of any public or private school from accepting juveniles undergoing treatment, therapy, or counseling for sexual disorders, deviancy, or sexual misbehavior of any kind.

Existing law provides that an inmate who is released on parole shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration, however, an inmate who is released on parole for commission of lewd or lascivious acts or continuous sexual abuse of a child shall not be placed nor reside, for the duration of the period of parole, within 1/4 mile of a school, as specified.

This bill would expand this distance to one mile.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1519.6 is added to the Health and Safety Code, to read:

1519.6. Notwithstanding Section 1502.4 or any other provision of law, no licensed community care facility that receives state funds and is located within one mile of any public or private school, including any or all of kindergarten and grades 1 to 8, inclusive, shall accept for placement any juvenile undergoing treatment, therapy, or counseling for sexual disorders, deviancy, or sexual misbehavior of any kind.

SEC. 2. Section 3003 of the Penal Code is amended to read:

3003. (a) Except as otherwise provided in this section, an inmate who is released on parole shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration.

For purposes of this subdivision, “last legal residence” shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Prison Terms setting the conditions of parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee’s permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.

(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

1 (4) The existence of family in another county with whom the  
2 inmate has maintained strong ties and whose support would  
3 increase the chance that the inmate's parole would be  
4 successfully completed.

5 (5) The lack of necessary outpatient treatment programs for  
6 parolees receiving treatment pursuant to Section 2960.

7 (c) The Department of Corrections, in determining an  
8 out-of-county commitment, shall give priority to the safety of  
9 the community and any witnesses and victims.

10 (d) In making its decision about an inmate who participated in  
11 a joint venture program pursuant to Article 1.5 (commencing  
12 with Section 2717.1) of Chapter 5, the paroling authority shall  
13 give serious consideration to releasing him or her to the county  
14 where the joint venture program employer is located if that  
15 employer states to the paroling authority that he or she intends to  
16 employ the inmate upon release.

17 (e) (1) The following information, if available, shall be  
18 released by the Department of Corrections to local law  
19 enforcement agencies regarding a paroled inmate who is released  
20 in their jurisdictions:

21 (A) Last, first, and middle name.

22 (B) Birth date.

23 (C) Sex, race, height, weight, and hair and eye color.

24 (D) Date of parole and discharge.

25 (E) Registration status, if the inmate is required to register as a  
26 result of a controlled substance, sex, or arson offense.

27 (F) California Criminal Information Number, FBI number,  
28 social security number, and driver's license number.

29 (G) County of commitment.

30 (H) A description of scars, marks, and tattoos on the inmate.

31 (I) Offense or offenses for which the inmate was convicted  
32 that resulted in parole in this instance.

33 (J) Address, including all of the following information:

34 (i) Street name and number. Post office box numbers are not  
35 acceptable for purposes of this subparagraph.

36 (ii) City and ZIP Code.

37 (iii) Date that the address provided pursuant to this  
38 subparagraph was proposed to be effective.

39 (K) Contact officer and unit, including all of the following  
40 information:

1 (i) Name and telephone number of each contact officer.

2 (ii) Contact unit type of each contact officer such as units  
3 responsible for parole, registration, or county probation.

4 (L) A digitized image of the photograph and at least a single  
5 digit fingerprint of the parolee.

6 (M) A geographic coordinate for the parolee's residence  
7 location for use with a Geographical Information System (GIS)  
8 or comparable computer program.

9 (2) The information required by this subdivision shall come  
10 from the statewide parolee database. The information obtained  
11 from each source shall be based on the same timeframe.

12 (3) All of the information required by this subdivision shall be  
13 provided utilizing a computer-to-computer transfer in a format  
14 usable by a desktop computer system. The transfer of this  
15 information shall be continually available to local law  
16 enforcement agencies upon request.

17 (4) The unauthorized release or receipt of the information  
18 described in this subdivision is a violation of Section 11143.

19 (f) Notwithstanding any other provision of law, an inmate who  
20 is released on parole shall not be returned to a location within 35  
21 miles of the actual residence of a victim of, or a witness to, a  
22 violent felony as defined in paragraphs (1) to (7), inclusive, of  
23 subdivision (c) of Section 667.5 or a felony in which the  
24 defendant inflicts great bodily injury on any person other than an  
25 accomplice that has been charged and proved as provided for in  
26 Section 12022.53, 12022.7, or 12022.9, if the victim or witness  
27 has requested additional distance in the placement of the inmate  
28 on parole, and if the Board of Prison Terms or the Department of  
29 Corrections finds that there is a need to protect the life, safety, or  
30 well-being of a victim or witness.

31 (g) Notwithstanding any other law, an inmate who is released  
32 on parole for any violation of Section 288 or 288.5 shall not be  
33 placed or reside, for the duration of his or her period of parole,  
34 within ~~one-quarter~~ one mile of any public or private school  
35 including any or all of kindergarten and grades 1 to 8, inclusive.

36 (h) Notwithstanding any other law, an inmate who is released  
37 on parole for an offense involving stalking shall not be returned  
38 to a location within 35 miles of the victim's actual residence or  
39 place of employment if the victim or witness has requested  
40 additional distance in the placement of the inmate on parole, and

1 if the Board of Prison Terms or the Department of Corrections  
2 finds that there is a need to protect the life, safety, or well-being  
3 of the victim.

4 (i) The authority shall give consideration to the equitable  
5 distribution of parolees and the proportion of out-of-county  
6 commitments from a county compared to the number of  
7 commitments from that county when making parole decisions.

8 (j) An inmate may be paroled to another state pursuant to any  
9 other law.

10 (k) (1) Except as provided in paragraph (2), the Department of  
11 Corrections shall be the agency primarily responsible for, and  
12 shall have control over, the program, resources, and staff  
13 implementing the Law Enforcement Automated Data System  
14 (LEADS) in conformance with subdivision (e).

15 (2) Notwithstanding paragraph (1), the Department of Justice  
16 shall be the agency primarily responsible for the proper release of  
17 information under LEADS that relates to fingerprint cards.